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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,650

09/17/2003

Seong Fong Chen

2877-4031

8495

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10/09/2007

EXAMINER

PENG, KUO LIANG

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/666,650	Applicant(s) CHEN ET AL.	
	Examiner Kuo-Liang Peng	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/20/07 RCE.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4-10, 12-15 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-10, 12-15, 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 20, 2007 has been entered. Claims 4, 6-8, 9 and 12-15 are amended. Claims 1-3, 11 and 16-41 are deleted. Claim 42 is added. Now, Claims 4-10, 12-15 and 42 are pending.

2. Claim rejection(s) under 35 USC 103 in the previous Office Action (Paper No. 041407) is/are removed.

As pointed out by Applicants (Remarks, page 7, last paragraph to page 8, 1<sup>st</sup> paragraph), Podell's surfactants are used for treating hydrogel layers on gloves. Notably, the hydrogel gels are only applied the **skin-contacting surface** of the gloves. (col. 1, line 58 to col. 2, line 3, col. 2, lines 54-60).

3. The text of those sections of Title 35, U.S. code not included in this action can be found in prior Office Action(s).

4. Claim 13 is objected to because of the following informalities:

In Claim 13 (line 1), should “said outer surface” be -- said coated outer surface --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 4-10, 12-15 and 42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In Claims 4 and 42, based on the **claim languages**, the claims appear to be directed to gloves where the “outer” **surfaces to be coated** are **not necessarily** an elastomeric material comprises a polymer of natural rubber latex, a synthetic

polyisoprene, nitrile or blends thereof. However, Examiner is not able to find a basis for this.

***Claim Rejections - 35 USC § 103***

7. Rejection of Claims 4-10 and 12-15 under 35 USC 102(e) as being anticipated by Wang (US 2004/0126604) is maintained because the rejection is adequately set forth in paragraph 5 of Paper No. 091606. Applicant's arguments have been fully considered but they are not persuasive. The focus argument related to the core patentability is discussed below.

For Applicants' argument (Remarks, page 5, last paragraph to page 6, 2<sup>nd</sup> paragraph), as mentioned in the previous Office action (Paper No. 041407, 1<sup>st</sup> paragraph of page 3), Wang teaches coating the gloves by a spray method or a tumbling method as described in [0040]-[0041], thereby, the surface intended not to be in contact with the skin (i.e., **"outer" surface**) is coated. This is further supported in [0009] where the **intra-surface tackiness** between like elastomeric articles (i.e., gloves) is reduced as a result of the coating.

8. Claim 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Wang discloses a glove coated with a composition comprising a cetyl pyridinium chloride, a polydimethylsiloxane and an ammonium salts of alkyl phosphate. The glove can be made of natural rubber, nitrile and/or polyisoprene. ([0009], [0022], [0030]-[0034] and Examples) However, as pointed out by Applicants (Remarks, page 6, last paragraph), Wang's coating composition must contain a **moisturizing agent**. ([0010] and [0024]-[0027]) Therefore, Wang does not teach or fairly suggest the use of a coating composition **consist essentially of** a mixture of silicone, ammonium salts of alkyl phosphates, and cetyl pyridinium chloride.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (571) 272-1091. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

klp

September 27, 2007



Kuo-Liang Peng  
Primary Examiner  
Art Unit 1712